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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet 1 of 1

| *Complete if Known* | |
|---|---|
| **Applicati n Number** | N/A |
| **Filing Dat** | Herewith |
| **First Named Inv ntor** | Hodge, Martin R. |
| Group Art Unit | Not Assigned |
| Examiner Name | Not Assigned |
| Attorney Docket Number | MPI00-268DV1M |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | U.S. Patent Document Number | Kind Code[2] *(if known)* | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document (MM-DD-YYYY) | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|---|
| | 15 | US2001-0051360 | A1 | Celera Genomics Corp. | 12-13-2001 | |
| | A | US-6,413,756 | B2 | Yan, C., et al. | 07-2002 | |
| | B | US-6,416,990 | B2 | Wei, et al. | 07-02-2202 | |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Office[3] | Number[4] | Kind Code[5] *(if known)* | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document (MM-DD-YYYY) | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|---|---|
| | 16 | WO | 01/66762 | A1 | Merck Patent GMBH | 09-13-2001 | | |
| | 17 | WO | 02/18557 | A2 | Incyte Genomics Inc. | 03-07-2002 | 1-138, 10/79, 11/79, 58/79 (142 pages total) | |
| | 18 | WO | 01/38503 | A2 | Sugen, Inc. | 05-31-2001 | 1-72, 103-109, 115, 121, 126, 131, 135, 140, 146, 223-235, 251, 275, 306, 307, 314-316, 379-388, 14/43, 36/43 (120 pages total) | |
| | 19 | WO | 00/73469 | A2 | Sugen, Inc. | 12-07-2000 | 1-86, 105-108, 114, 120-122, 133-159, 162, 14/119, 73/119, International Search Report (156 pages total) | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Unique citation design number. [2]See attached Kinds of U.S. Patent Documents. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [8]Applicant is to place a check mark here if English language Translation is attached.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 3

| *Complete if Known* | |
|---|---|
| **Applicati n Number** | N/A |
| **Filing Dat** | Herewith |
| **First Named Inventor** | Hodge, Martin R. |
| Group Art Unit | Not Assigned |
| Examiner Name | Not Assigned |
| Attorney Docket Number | MPI00-268DV1M |

| OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS | | | |
|---|---|---|---|
| Examiner Initials* | Cite No.[1] | Include the name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published. | T[2] |
| | 1 | Hillier L., et al., "zt24d01.rl Soares ovary tumor NbHOT Homo sapiens cDNA clone IMAGE: 714049 5' mRNA sequence", (August 8, 1997), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on December 6, 2000]. Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. AA284718 | |
| | 2 | Abe, M.K., et al., "Rattus norvegicus extracellular signal-regulated kinase 7 mRNA, complete cds" (February 5, 1999) (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on December 6, 2000]. Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. AF078798 | |
| | 3 | Hillier, L., et al., "an33a07.x1 Gessler Wilms tumor Homo sapiens cDNA clone IMAGE:1700436 3', mRNA sequence." (July 9, 1998) (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on December 6, 2000]. Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. AI049667 | |
| | 4 | Strausberg, R., et al., "tm23h11.x1 Soares_NFL_T_GBC_S1 Homo sapiens cDNA clone IMAGE:2157477 3', mRNA sequence." (April 14, 1999) (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on December 6, 2000]. Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. AI476756 | |
| | 5 | Strausberg, R., et al., " tw62g08.x1 NCI_CGAP_Ut3 Homo sapiens cDNA clone IMAGE:2264318 3' similar to contains MER22.b3 TAR1 repetitive element;, mRNA sequence." (May 26, 1999) (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000] Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No.AI680380 | |
| | 6 | Strausberg, R., et al., "wo22f03.x1 NCI_CGAP_Pan1 Homo sapiens cDNA clone IMAGE:2456093 3' mRNA sequence" (September 1, 1999) (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000] Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No.AI921266 | |
| | 7 | Boulton, T.G., et al., "Sequence from patent US 5776751", (December 4, 1998), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information[retrieved December 6, 2000]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. AR016531 | |
| | 8 | Boulton, T.G., et al., "Sequence from patent US 5872006", (September 29, 1999), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. AR036244 | |

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|---|---|---|---|---|---|
| **INFORMATION DISCLOSURE STATEMENT BY APPLICANT** | | | | **Applicati n Number** | N/A |
| | | | | **Filing Dat** | Herewith |
| | | | | **First Named Invent r** | Hodge, Martin R. |
| | | | | Group Art Unit | Not Assigned |
| *(use as many sheets as necessary)* | | | | Examiner Name | Not Assigned |
| Sheet | 2 | of | 3 | Attorney Docket Number | MPI00-268DV1M |

| **OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS** | | | |
|---|---|---|---|
| Examiner Initials* | Cite No.[1] | Include the name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published. | T[2] |
| | 9 | Boulton, T.G., et al., "Sequence 1 from patent US 5595904", (January 27, 1997), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000] Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. I34199 | |
| | 10 | Boutlon, T.G., et al., "ERK1 ", (March 31, 1992) sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000] Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. Q20260 | |
| | 11 | Au-Young, J. et al., "Human mitogen-activated protein kinase homologue SMAP encoding cDNA", (October 29, 1997), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. T78543 | |
| | 12 | Au-Young, J. et al., "Human MAP kinase homologue SMAP cDNA", (January 20, 1998), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. T90352 | |
| | 13 | Au-Young, J. et al., "Human MAP kinase cDNA derived from clone 214915E", (December 29, 1998), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. V33561 | |
| | 14 | Kasper, A. et al., "Erk1-green fluorescent protein fusion product", (February 8, 1999), (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved December 6, 2000]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. V71030 | |
| | 20 | Abe, Mark K., et al., "ERK8, A New Member of the Mitogen-Activated Protein Kinase Family", The Journal of Biological Chemistry, Volume 277, No. 19, May 10, 2002, pages 16733-16743 | |
| | 21 | Strausberg, Robert, "hs84e05.x1 NCI_CGAP_Kid13 Homo Sapiens cDNA clone Image:3 to TR:Q9Z2A6 Q9Z2A6 EXTRACELLULAR SIGNAL-REGULATED KINASE 7.;, MRNA sequence", July 27, 2000 (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved October 3, 2002]Retrieved from the Internet: URL: http://www.ncbi.nlm.nih.gov/>. GenBank Accession No. BE464560 | |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

| Sheet | 3 | of | 3 |
|---|---|---|---|

| ***Complete if Known*** | |
|---|---|
| **Applicati n Number** | N/A |
| **Filing Date** | Herewith |
| **First Named Inventor** | Hodge, Martin R. |
| Group Art Unit | Not Assigned |
| Examiner Name | Not Assigned |
| Attorney Docket Number | MPI00-268DV1M |

| **OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS** | | | |
|---|---|---|---|
| Examiner Initials* | Cite No.[1] | Include the name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published. | T[2] |
| | W | Ngo, et al., "Computational Complexity, Protein Structure Prediction, and the Levinthal Paradox, in The Protein Folding Problem and Tertiary Structure Prediction, 1994, Merz, et al., (ed.), Birkhauser, Boston, MA, pages 433 and 492-495. | |
| | 22 | Abe, Mark K., et al., "Extracellular Signal-Regulated Kinase 7 (ERK7), a Novel ERK with a C-Terminal Domain That Regulates Its Activity, Its Cellular Localization, and Cell Growth", (February 1999) Molecular and Cellular Biology, Volume 19, Number 2, pages 1301-1312. | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Unique citation design number. [2]Applicant is to place a check mark here is English language Translation is attached.

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**Practitioner's Docket No. MPI00-268DV1M** *PATENT*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | | |
|---|---|---|---|
| In re application of: | Hodge, Martin R. | | |
| Divisional Application of Application No.: | 09/641,690 | Group No.: | Not Assigned |
| Filed: | Herewith | Examiner: | Not Assigned |
| For: | 14189, A NOVEL HUMAN KINASE AND USES THEREOF | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed:

(x) Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

**OR**

( ) ***After*** three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but ***before*** the mailing date of either:

---

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10***

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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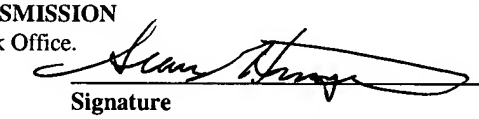

**Signature**

Sean Hunziker/Carolyn Willey
*(type or print name of person certifying)*

Date: October 14, 2003

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(1) a final action under Section 1.113,
(2) a notice of allowance under Section 1.311, or
(3) an action that otherwise closes prosecution in the application

whichever occurs first.

[ ] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). ($180.00).

[ ] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

[ ] No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

**OR**

[ ] The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

[ ] In accordance with the requirements of 37 C.F.R. Section 1.97(d):

A. [ ] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). ($180.00).

B. [ ] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

C. [ ] No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

**Practitioner's Docket No. MPI00-268DV1M**

**FEE PAYMENT**

3. [ ] The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) ($180.00).

[x] Applicant believes no fee is due in connection with this submission.

| | | |
|---|---|---|
| | Fee due | $0.00 |

**METHOD OF PAYMENT OF FEE**

4. [ ] Attached is a check in the amount of $ _____.

[ ] Charge Account No. 501668 in the amount of $180.00.

[ ] A duplicate of this request is attached.

If any additional fees are due, please charge Account 501668.

| | |
|---|---|
| October 14, 2003 | MILLENNIUM PHARMACEUTICALS, INC.<br>By Tracy M. Sioussat<br>Tracy M. Sioussat, Ph.D.<br>Registration No. 50,609<br>75 Sidney Street<br>Cambridge, MA 02139<br>Telephone - 617-374-7679<br>Facsimile - 617-551-8820 |

**Practitioner's Docket No. MPI00-268DV1M** *PATENT*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | | |
|---|---|---|---|
| In re application of: | Hodge, Martin R. | | |
| Divisional Application of | | Group No.: | Not Assigned |
| Application No.: | 09/641,690 | | |
| Filed: | Herewith | Examiner: | Not Assigned |
| For: | 14189, A NOVEL HUMAN KINASE AND USES THEREOF | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. [x] Preliminary Statements
2. [x] Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. [x] Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
4. [x] Copies of Listed Information Items Accompanying This Statement
5. [x] Identification of Person(s) Making This Information Disclosure Statement

### Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they

---

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10***

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

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**Signature**

Sean Hunziker/Carolyn Willey
*(type or print name of person certifying)*

Date: October 14, 2003

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believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 2. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

This application relies, under 35 U.S.C. section 120, on the earlier filing date of prior application serial number 09/641,690 filed on August 18, 2000.

**Section 3. Copies of Listed Information Items**

A legible copy of item 22 listed in Form PTO/SB/08A (substitute for Form PTO-1449) accompanies this information statement all other items in Forms PTO/SB/08A and 08B were filed in application serial number 09/641,690 filed on August 18, 2000, therefore, copies are not enclosed.

October 14, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By _____

Tracy M. Sioussat, Ph.D.
Registration No. 50,609
75 Sidney Street
Cambridge, MA 02139
Telephone - 617-374-7679
Facsimile - 617-551-8820